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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,451	06/05/2006	Francois Ichas	REGIM 3.3-073	8046
	7590 01/28/201 /ID, LITTENBERG,	EXAMINER		
KRUMHOLZ &	& MENTLIK	FRONDA, CHRISTIAN L		
600 SOUTH A' WESTFIELD, I	= '=		ART UNIT	PAPER NUMBER
			1652	
			MAIL DATE	DELIVERY MODE
			01/28/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/563,451	ICHAS ET AL.		
Examiner	Art Unit		
CHRISTIAN L. FRONDA	1652		

The MALLING DATE of this communication appears on the cover sheet with the correspondence address − THE REPLY FILED 11 January 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  I. ■ The reply was filled after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this spipilication, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal with appeal fee) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time provides:  and the period for reply expires. Emoriths from the mailing date of this final rejection.  The period for reply expires. Emoriths from the mailing date of this Advisory Action, or (2) the date set forth in the final rejection.  Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (0) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MEPE 706.07(1).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee was been filled of the date for purposes of determining the period of determining and the corresponding amount of the fee. The appropriate extension fee was been filled of the date for purposes of determining the period of determining the member of the fill the period determined and the corresponding amount of the fee. The appropriate extension fee set for the protection of the feet of the protection of the feet of purposes of determining the period of determined the emotions determined and the period determined the emotions determined the mailing date of the final rejection in the period determined the emotions determined and the period determined and the period determined the emotion of the feet the mailing date of the final rejection feet the fill that the period of the feet the mailing date of the fill and the feet and feet t		CHRISTIAN L. FRONDA	1652						
1. ☑ The reply was filled after a final rejection, but prior to or on the same day as filling a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidaty, or other evidens, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31: or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following replication.  a) ☐ The period for reply expires @ months from the mailing date of the final rejection.  b) ☐ The period for reply expires 0:: (1) the mailing date of the final rejection.  Examiner Note: It box 1 is checked, check either box (a) or (b). CNLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS Or THE FIRML REJECTION. See MFEP 706.07(f).  Extensions of lime may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee number 37 CFR 1.136(a) and the appropriate extension fee number 37 CFR 1.136(a) and the date for purpose of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee number 37 CFR 1.136(a) and the appropriate extension fee number 37 CFR 1.136(a) and the appropriate extension fee number 37 CFR 1.136(a) and the appropriate extension fee number 37 CFR 1.136(a) and the appropriate extension fee number 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.137(a) and appropriate extension fee under 37 CFR 1.137(a) and appropriate extension fee under 37 CFR 1.137(a) and appropriate appropriate appropriate appropri	The MAILING DATE of this communication appe	ars on the cover sheet with the o	correspondence add	ress					
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a) The period for reply expires @months from the mailing date of the final rejection. b) The period for reply expires on (1) the mailing date of the Advictory Action (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: (Ibo or 1 is checked, check either box (a) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See WIPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.138(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, any reduce any examed patent term adjustment. See 37 CFR 1.134(a) and the corresponding amount of the final rejection, even if timely filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  Correct The Port of Appeal and see filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below);  (b) They raise new issues that would require further consideration and/or search (see NOTE below);  (c) They are not deemed to place the application in bedi	1.  The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following rapplication in condition for allowance; (2) a Notice of Apperfor Continued Examination (RCE) in compliance with 37 C	the same day as filing a Notice of a replies: (1) an amendment, affidavited (with appeal fee) in compliance	Appeal. To avoid abar t, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request					
nave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL.  2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3. The proposed amendment(s) filed after a final rejection, but prior to the date of filling a brief, will not be entered because (a) They raise the issue of new matter (see NOTE below);  (b) They raise the issue of new matter (see NOTE below);  (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: (See 37 CFR 1.116 and 41.33(a)).  4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  Applicant's reply has overcome the following rejection(s):	a) The period for reply expires <u>6</u> months from the mailing date b) The period for reply expires on: (1) the mailing date of this Adno event, however, will the statutory period for reply expire at Examiner Note: If box 1 is checked, check either box (a) or (left)	dvisory Action, or (2) the date set forth tter than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE	g date of the final rejection	n.					
filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3.	Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee nave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
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appeal; and/or  (d)  They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:	(a) They raise new issues that would require further cor	nsideration and/or search (see NOT w);	ΓE below);						
5.  Applicant's reply has overcome the following rejection(s):	appeal; and/or (d) They present additional claims without canceling a c								
non-allowable claim(s).  7. For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) objected to:  Claim(s) withdrawn from consideration: 8-25 and 27-29.  AFFIDAVIT OR OTHER EVIDENCE  8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  See Continuation Sheet.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).  //Christian L Fronda/			mpliant Amendment (I	PTOL-324).					
how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 1-7 and 26.  Claim(s) withdrawn from consideration: 8-25 and 27-29.  AFFIDAVIT OR OTHER EVIDENCE  B. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  D. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  See Continuation Sheet.  Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).  // Christian L Fronda/	non-allowable claim(s).	·	•	-					
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13. ☐ Other: /Christian L Fronda/	11. 🛮 The request for reconsideration has been considered but	does NOT place the application in	condition for allowan	ce because:					
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Continuation of 11. does NOT place the application in condition for allowance because: The claims as filed on 01/11/2011 would be rejected under 35 U.S.C. 112, first paragraph, because the specification is enabling only for a method for the demonstration of the occurrence of an apoptotic event in a cell comprising detecting the presence of the GFP fused to the N-terminal of Bax comprising the amino acid sequence of SEQ ID NO: 2 for reasons of record. The cited reference of Florean et al. does not provide support for the full scope of the claimed invention since Florean et al. specifically teach APP-GRP and C99-GFP used for assaying gamma-secretase activity and no other molecular event in a cell and no other marker protein as encompassed by the claims. Furthermore, according to MPEP 2164.05(a), the specification must be enabling as of the filing date of the application. Thus, the reference of Florean et al. which is a post filing date reference does not provide support for the full scope of the claimed invention.